

Resolution No. 2020-~~09~~-01

**RESOLUTION  
OF THE BOARD OF DIRECTORS OF  
PAINT BRUSH HILLS METROPOLITAN DISTRICT**

**ADOPTING DECLINED CREDIT CARD FEE**

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WHEREAS, the Board of Directors (the “Board”) of Paint Brush Hills Metropolitan District, a quasi-municipal corporation and political subdivision of the State of Colorado (the “District”) has determined that it is in the best interest of the District and the residents and property owners of the District to establish a fee for declined credit cards in order to offset the administrative costs to the District when a credit card is declined; and

WHEREAS, pursuant to § 32-1-1001(1)(m), C.R.S., the Board is authorized to adopt, amend, and enforce bylaws and rules and regulations not in conflict with the constitution and laws of the State of Colorado for carrying on the business and affairs of the Board and the District; and

WHEREAS, pursuant to § 32-1-1001(1)(n), C.R.S., the Board is authorized to have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted to the District by Article 1, Title 32, C.R.S.; and

WHEREAS, pursuant to § 32-1-1001(1)(j), C.R.S., the District is authorized to fix and increase fees, rates, tolls, charges and penalties for services or facilities provided by the District; and

WHEREAS, the declined credit card fee, identified below, shall be construed as an amendment to the District’s current Fee Schedule; and

WHEREAS, the District provided at least thirty (30) days’ notice of this proposed new fee to the citizens of the District through posting the proposed declined credit card fee on the website of the District in accordance with § 32-1-1001(2)(a), C.R.S., on Sept 17, 2020; and

WHEREAS, the Board of the District has determined that it is in the best interest of the District and the residents and property owners of the District to adopt the declined credit card fee in order to provide for the preservation of the health, safety, and welfare of residents, property owners, and the public.

NOW, THEREFORE, be it resolved by the Board of Directors of Paint Brush Hills Metropolitan District as follows:

1. Adoption of Declined Credit Card Fee. The following fee is hereby adopted pursuant to § 32-1-1001(1)(j) and § 32-1-1001(2)(a), C.R.S.:

Declined Credit Card Fee: \$20 per declined credit card transaction

2. Amendment. The District expressly reserves the right to amend, revise, redact, and/or repeal this Resolution, in whole or in part, from time to time in order to further the purpose of carrying on the business, objects, and affairs of the District. The foregoing shall specifically include, but not be limited to, the right to adopt new or to amend current fees, rates, tolls, charges and penalties for services or facilities provided by the District as may be necessary, in the Board's discretion.

3. Effective Date. The provisions of this Resolution shall take effect as of the date of this Resolution.

4. Severability. If any term or provision of this Resolution or if any rule or regulation is found to be invalid or unenforceable by a court of competent jurisdiction or by operation of any applicable law, such invalid or unenforceable term or provision shall not affect the validity of the remainder of the Resolution or the fee increases, as a whole, but shall be severed, leaving the remaining terms or provisions in full force and effect. In addition, in lieu of such void or unenforceable provision, there shall automatically be added a provision similar in terms to such illegal, invalid or unenforceable provision so that the resulting reformed provision is legal, valid and enforceable.

RESOLVED AND ADOPTED this 14<sup>th</sup> day of September, 2020.

**PAINT BRUSH HILLS METROPOLITAN DISTRICT**, a quasi-municipal corporation and political subdivision of the State of Colorado

Rebecca E. Bonilla

Officer of the District

ATTEST:

Russell D. Lawrence

APPROVED AS TO FORM:

LYONS GADDIS, PC

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Catherine A. Jallen

General Counsel to the District